



# Arizona House of Representatives House Majority Research MEMORANDUM

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**To:** Representative Farnsworth  
**Re:** HB 2382: property; declaration amendment; procedure  
**Date:** March 22, 2016

## CONCUR-REFUSE BLUE SHEET #6

[HB 2382](#) passed the Senate on March 24, 2016 [29-0-1-0](#) and is listed on **Blue Sheet #6**.

## AS PASSED THE HOUSE

HB 2382 allows a community declaration to be amended by the association, or if there is no board, the property owners, by an affirmative vote or written consent of the number of eligible voters or owners required under the declaration. The amendment may apply to fewer than all of the lots or less than all of the property or be deemed to conform to the general design and plan of the community if specific conditions are met. The association or, if there is no board, an owner, must prepare, execute and record a written instrument outlining the amendment within 30 days of adoption. The amendment becomes effective immediately on recording. This process is available for planned communities and *private covenants*; however condominiums, planned communities and timeshares are exempted from the section relating to *private covenants*.

## SENATE AMENDMENTS

The Senate amended HB 2382 as follows:

1. States that an amendment may apply to fewer than all of the lots or less than all the property bound by the declaration and is deemed to conform to the general design and plan of the community, if specific conditions are met.
2. Clarifies that the owners may amend the declaration if there is no board or association.
3. Removes the exemption for planned communities within the *private covenants* section.
4. Makes technical and clarifying changes.